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REMARKS

I. INTRODUCTION

Claims 5, 17, and 40 have been amended. Claims 9, 21, 23, and 41-42 have been previously amended. No new matter has been added. Thus, claims 5, 9-10, 17, 21-23, and 40-42 remain pending in this application. It is respectfully submitted that based on the above amendments and the following remarks that all of the presently pending claims are in condition for allowance.

II. THE 35 U.S.C. § 112 REJECTION SHOULD BE WITHDRAWN

The Examiner has rejected claims 5, 9-10, 17, 21-23, and 40-42 under 35 U.S.C. § 112 as unpatentable for being indefinite. (See 5/31/06 Office Action, pp. 2-3). Specifically, the Examiner states that independent claims 5, 17, and 40 and their respective dependent claims include the relative phrase "a reasonable degree of accuracy" that renders the claims indefinite. Claims 5, 17, and 40 have been amended to remove the portions containing the phrase "a reasonable degree of accuracy." Thus, claims 5, 17, and 40 no longer include language that renders them indefinite. Therefore, it is respectfully requested that the Examiner should withdraw the U.S.C. § 112 rejection of claims 5, 17, and 40. Because claims 9-10, 21-23, and 40-42 depend from and, therefore, include all the limitations of allowable claims and also do not contain indefinite recitations, it is respectfully submitted that these claims are also allowable.

III. THE DOUBLE PATENTING REJECTION SHOULD BE WITHDRAWN

The Examiner rejected claims 5, 9, 17, 21-23, and 40-42 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-24 of U.S. Pat. No. 7,042,395 ('395 patent). (See 5/31/06 Office Action, pp. 3-6). The Examiner states that the conflicting claims are not patentably distinct from each other. Specifically, the Examiner states that claim 40 of the present application and claim 16 in combination with claim 17 of the '395 patent include identical language. Furthermore, the Examiner states that the limitations of the

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present application are more specific when compared to the limitations of the '395 patent. However, it is respectfully submitted that although the object of the present application and the '395 patent are common, the method with which each performs that object are different.

Specifically, the '395 patent utilizes a corresponding reference point. The corresponding reference point is an integral aspect of the '395 patent as it is referred to in each limitation of claim 16 and throughout the specification of the '395 patent. That is, the corresponding reference point is the basis for estimating a location of a device to be transmitted to another device. Therefore, the '395 patent uses an indirect means to ascertain the location estimate as both the first and second device require obtaining a range measurement to the reference point. Upon receiving the range measurements of both the first and second device, the location estimate may be extrapolated. In contrast, the present application provides a direct means of ascertaining the location estimate by a first device using the location information of the second device, as recited in claim 40. Furthermore, in the present application, the first device need only request and receive the location information from the second device rather than having to obtain a range measurement from a reference point. That is, the first device receives a direct location estimate from the second device and uses that location estimate to extrapolate the location of the first device, as recited in claim 40.

Applicant respectfully submits that the mere coincidence of the basic aspects of the conflicting claims are identical does not preclude the claims of the present application. The claim recitations show the means with which the '395 patent and the present application perform the location estimation and that these means are different. Thus, it is respectfully requested that the Examiner should withdraw judicially created doctrine of obviousness-type double patenting rejection of claim 40. Because claims 41-42 depend from and, therefore, include the limitations of claim 40, it is respectfully submitted that these claims are also allowable.

Claim 5 recites a method of providing an estimate of the location of a first device comprising "sending a request from the first device to the second device that the second device provide its location to the first device" and "using the location of the second device as the location of the first device." Thus, it is respectfully submitted that claim 5 is also allowable and

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the Examiner should withdraw the judicially created doctrine of obviousness-type double patenting rejection for this claim. Because claim 9 depends from and, therefore, includes the limitations of claim 5, it is respectfully submitted that this claim is also allowable.

Claim 17 recites a combination of first and second separately housed devices wherein the second device comprises "location determining means for determining the location of the second device and providing the location to the first device," "wherein the first device is arranged to send a request to the second device that the second device provide its location to the first device" and "wherein the first device uses the location of the second device as its location." Thus, it is respectfully submitted that claim 17 is also allowable and the Examiner should withdraw the judicially created doctrine of obviousness-type double patenting rejection for this claim. Because claims 21-23 depend from and, therefore, include the limitations of claim 17, it is respectfully submitted that these claims are also allowable.

IV. THE 35 U.S.C. § 102(e) REJECTION SHOULD BE WITHDRAWN

The Examiner has rejected claims 5, 9-10, 17, 21-23, and 40-42 under 35 U.S.C. § 102(e) as unpatentable over U.S. Pat. No. 6,275,707 (Reed). (See 5/31/06 Office Action, p. 9-12).

Reed describes a method and apparatus for assigning location estimates from a first transceiver of a plurality of wireless transceivers to a second transceiver. Through low power short-range auxiliary communication links incorporated within networked devices, location estimates of the current location of a device may be obtained. Confidence levels are assigned to the information obtained from the interactions with the nearby devices to determine whether an update of the location estimate is made. (See Reed, abstract).

Claim 5 recites a method of providing an estimate of the location of a first device comprising "determining that the first device is unable to determine its location," "sending a request from the first device to the second device that the second device provide its location to the first device," and "using the location of the second device as the location of the first device." That is, once the first device requests and subsequently receives the location information from

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the second device after determining that the first device is incapable of determining its own location, the location of the second device is received and used to extrapolate the location of the first device. A direct correlation exists between the location estimate and the location information that is sent directly from the second device to the first device.

The Examiner states that Reed discloses the above relevant recitations of claim 5. (See 5/31/06 Office Action, p. 9, ll. 15 – p. 10, l. 8). Specifically, the Examiner states that Reed discloses a “controller [that] is coupled to a conventional network server for providing information requested by the transceivers.” (See Reed, col. 2, ll. 51-53). Applicant respectfully submits that this teaching of Reed does not disclose “sending a request from the first device to the second device that the second device provide its location to the first device,” as recited in claim 5. Initially, Reed does not disclose that a request for *location information* is submitted throughout the specification and the claims. The only mention of requesting information is provided in the above recitation of Reed. That is, it is respectfully submitted that it is improper to assume that the requested information is specifically location information. Furthermore, in the present application, a first device (*e.g.*, mobile unit) broadcasts a request to a second device (*e.g.*, RF receivers) in its vicinity requesting that it responds by providing its location. (See Specification, p. 4, ll. 16-19). That is, a direct request is submitted by the first device to the second device to provide the location information. Even assuming that the devices of Reed submit requests for location information, the requests would be submitted to the network server. That is, the location information request would not be submitted directly from the first device to the second device, as recited in claim 5.

In addition, Reed bases its location estimates on confidence scores attached to determined location information. Reed requires both a location estimate and confidence scores to determine whether to update location information. (See Reed, col. 4, l. 54 – col. 5, l. 43). That is, Reed must determine whether or not to update the location information by performing a comparison step using the location estimates and the confidence scores. (See Reed, col. 5, ll. 33-36; claims 1, 7, 13, 15). In direct contrast, the present application “us[es] the location of the second device as the location of the first device,” as recited in claim 5. There is no determination of whether to update or not because there was already a determination that the “first device is unable to

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determine its location,” as recited in claim 5. Furthermore, the use of confidence scores (found throughout the specification and the claims of Reed) teaches away from “using the location of the second device as the location of the first device.” That is, only when a higher confidence score is calculated for the second device will the first device determine to update its own location estimate and confidence score. (See Reed, col. 5, ll. 33-36). In contrast, the first device of the present application has no other choice but to use the location of the second device as its own location estimate since the first device is unable to determine its own location. Therefore, there is no comparison between location estimates as the first device is incapable of providing its own location.

Thus, it is respectfully submitted that Reed does not disclose nor suggest a method of providing an estimate of the location of a first device comprising “determining that the first device is unable to determine its location,” “sending a request from the first device to the second device that the second device provide its location to the first device,” and “using the location of the second device as the location of the first device,” as recited in claim 5. Accordingly, it is respectfully requested that the Examiner should withdraw the 35 U.S.C. § 102(e) rejection of claim 5. Because claims 9-10 depend from and, therefore, include the limitations of claim 5, it is respectfully submitted that these claims are allowable for at least the reasons stated above.

Claim 17 recites a combination of first and second separately housed devices “wherein the first device is arranged to send a request to the second device that the second device provide its location to the first device” and “wherein the first device uses the location of the second device as its location.” Thus, it is respectfully submitted that claim 17 is also allowable and the Examiner should withdraw the 35 U.S.C. § 102(e) for this claim. Because claims 21-23 depend from and, therefore, include the limitations of claim 17, it is respectfully submitted that these claims are also allowable.

Claim 40 recites “[a] device comprising a transmitter for sending a request for location information to a recipient external to the device in the event that the device is unable to determine its location” and “a processor for processing received location information to generate the device’s own location.” Thus, it is respectfully submitted that claim 40 is also allowable and

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the Examiner should withdraw the 35 U.S.C. § 102(e) for this claim. Because claims 41-42 depend from and, therefore, include the limitations of claim 40, it is respectfully submitted that these claims are also allowable.

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CONCLUSION

In view of the above remarks, it is respectfully submitted that all the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

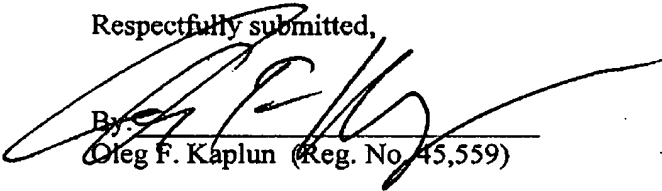
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